CLASSIFICATION OFFICE DECISION

Title of publication:	5 2 Cute Gay Preteen Boys 9 yo 8 yo Play With Each Other & Snuggle Naked Nude Pedo Young Child Sex Kdv Rbv Pjk.jpg
Other known title(s):	Not stated
OFLC ref:	1001158.000
Medium:	Computer Image File
Publisher:	Not stated
Country of origin:	Not stated
Language:	Not applicable
Applicant:	The District Court at Manukau
Classification:	Objectionable.
Descriptive note:	None
Display conditions:	None
Date of entry in Register:	29 July 2010
Date of direction to issue a label:	No direction to issue a label has been issued

Summary of reasons for decision:

The computer image file depicts two children in sexual activity. The intended purpose of the publication is to sexually arouse viewers with a prurient interest in children, and it serves to legitimise sexual activity involving children by presenting them as sexually active and as potential sexual partners for adults. As such it promotes and supports the exploitation of children for sexual purposes, and is deemed objectionable under s3(2)(a) of the Films, Videos, and Publications Classification Act 1993 (FVPC Act).

The classification of this publication interferes with the freedom of expression, as set out in section 14 of the New Zealand Bill of Rights Act 1990. This outcome is consistent, however, with Parliament's intention that publications falling under s3(2) of the FVPC Act are deemed to be objectionable. The classification is also a reasonable limitation on the freedom of expression that reflects the concern of a free and democratic society to limit the availability of publications that promote and support the exploitation of children for sexual purposes.